

- 2. Section 254(a)(2): How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1) including a description of:**
- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payments; and**
 - (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

The Office of the Secretary of State will manage all expenditures funded by HAVA. The state will be responsible for accounting for all expenditures, program controls, and outcomes in accordance with state and federal laws.

Based on a target number of precincts established for each county, the state has calculated an allowable expense for voting equipment upgrades in each county. The target number of precincts for each county has been determined by a formula established by the county election officials appointed to the Steering Committee, as defined in Section 12. The formula takes into account a number of variables including the number of existing precincts, the number of votes cast per county in the last gubernatorial election, the number of eligible voters per county that are over age seventeen, and the size of each county in square miles. The formula provides funding incentives for the counties to reduce the number of precincts from the total number of precincts operated in 2002. A county may submit an informal written appeal of the formula or the county's target number of precincts to the Secretary of State. The Secretary of State shall consider appeals of the formula or target number of precincts in a county based on a review of the written record and determine if the formula or target number of precincts is fair and reasonable. The decision of the Secretary of State is final. The voting system upgrades for the targeted number of precincts within each county are paid for at the following rate:

- 95% HAVA Contribution
- 2.5% State of North Dakota Contribution
- 2.5% County Contribution

Counties choosing to operate a total number of precincts or polling locations at a rate less than the targeted number of precincts calculated according to the formula outlined in this plan will only be responsible for providing matching funds for upgrading the voting systems in those precincts or polling locations that are operated by the county. Counties choosing to operate precincts in addition to the targeted number of precincts calculated according to the formula outlined in this plan will be responsible for the full cost of upgrading the voting systems in those precincts to match the voting system used in the other precincts in the county.

The state, on behalf of the counties and upon the recommendation of the Voting System Procurement Committee, contracted with Election Systems and Software (ES&S) for a

uniform voting system for each polling location in the state, consisting of a precinct level optical scanner and a voting device capable of allowing persons with disabilities and others to vote privately and without assistance.

Any revenue or interest generated by the state from any HAVA funds will be returned to the state's Election Fund to pay all or portions of the expenses incurred by the state and or counties for technical service support and programming; for equipment maintenance and replacement, as necessary; and for future election related technology upgrades.

In order to meet state standards to receive funding for new election equipment counties must continue to:

1. Address minimum physical accessibility needs of polling places within the county as deemed necessary by the state. Accessibility needs in counties will be based on the results of an independent inspection arranged by the Secretary of State and the county, in coordination with Centers for Independent Living and the North Dakota Protection and Advocacy Project;
2. Provide storage and security for voting systems;
3. Comply with state-based grievance procedures;
4. Post the required voter information at the polling place, as provided by the state;
5. Provide the 2.5% match toward the initial purchase of voting systems authorized for the county based upon the target number of precincts; and
6. Meet any deadlines established by HAVA and this plan for the replacement of non-qualifying voting systems, voter education and election official training requirements, and any other requirements of HAVA or this plan.

4. Section 254(a)(4): How the State will adopt voting system guidelines and processes which are consistent with Section 301.

The revisions to state law, approved by North Dakota's Fifty-eighth Legislative Assembly, provide a process to certify and decertify voting systems in the state. The Secretary of State adopted rules that take into account standards created by and results of testing conducted by the Federal Election Commission and/or the Election Assistance Commission, for certifying and decertifying electronic voting systems authorized by law, including any software, hardware and firmware components used as a part of an electronic voting system or electronic counting machine for use in the state. Electronic voting systems; any single device of an electronic voting system; and any update or enhancement made to them; in use by a county prior to August 1, 2003, were reviewed by the Secretary of State and grandfathered as meeting the requirements of the rules until January 1, 2006. [NDAC § 72-06-01]

North Dakota will implement a voter education plan with the counties for second-chance voting, including statewide and local efforts to promote voting accuracy.

5. Section 254(a)(5): How the State will establish a fund described in subsection (b) for the purpose of administering the State's activities under this part, including information on fund management.

As required by HAVA, the Secretary of State has established and is maintaining an Election Fund for the exclusive purpose of carrying out activities of HAVA. Following the receipt of HAVA payments, any subsequent deposits consisting of interest or revenue generated from HAVA money will be returned to the state's Election Fund to pay all or portions of the expenses incurred by the state and or counties for the technical service support and programming; for equipment maintenance and replacement, as necessary; and future election related technology upgrades.

6. Section 254(a)(6): The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on:

- (A) The costs of the activities required to be carried out to meet the requirements of Title III;**
- (B) The portion of the requirements payment which will be used to carry out activities to meet such requirements; and**
- (C) The portion of the requirements payment which will be used to carry out other activities.**

Funding estimates are based on the assumption the state will receive a minimum of an additional \$7.45 Million, beyond the \$9.15 Million received by August of 2004, for the purpose of election reform.

No.	Activity	Funding Estimates*	Description
1.	Voting System Upgrades and Improvements <ul style="list-style-type: none">• Punch-card replacement (Williams County)• Second-Chance Voting and Disability Access	\$6,000,000	<ul style="list-style-type: none">• Replace punch-card equipment in Williams County• Placement of at least one voting system in each precinct consisting of equipment capable of offering second-chance voting and unassisted voting access for persons with disabilities
2.	Statewide Voter Registration Database	NA	<ul style="list-style-type: none">• North Dakota is exempt
3.	Voter Education for Second-Chance Voting Requirement	\$100,000	<ul style="list-style-type: none">• Develop and execute a publicity campaign and system specific voter education materials
4.	Voting Information Posting Requirements	\$100,000	<ul style="list-style-type: none">• Develop and distribute posters containing required information and other instructional materials

5.	Provisional Voting	NA	<ul style="list-style-type: none"> • North Dakota is exempt from certain portions of provisional voting as required by HAVA
6.	State-Based Grievance Procedure	\$50,000	<ul style="list-style-type: none"> • Adopt, train, and administer a state-based grievance procedure
7.	Requirements for first time voters who register by mail	NA	<ul style="list-style-type: none"> • North Dakota is exempt
8.	Voter Education	\$200,000	<ul style="list-style-type: none"> • Develop and execute programs to provide quality voter education in harmony with Activity No. 3, 4 and 6
9.	Election Official Education and Training and Poll Worker Training	\$120,000	<ul style="list-style-type: none"> • Develop and execute programs to provide quality election official training and poll worker training
10.	Central Voter File	\$1,000,000	<ul style="list-style-type: none"> • Develop and implement a centralized database of voters for purposes of preventing and detecting fraud, and creating Election Day poll books
11.	Adopt and Develop Voting System Standards and a Voting System Test Process	\$30,000	<ul style="list-style-type: none"> • Adopt and develop voting system standards and test processes in accordance with Federal Election Commission or Election Assistance Commission standards and testing results
12.	Monitoring Performance Goals and Production of Report	\$100,000	<ul style="list-style-type: none"> • Ensure compliance with HAVA
13.	Development of State Plan and On-going Management of the State Plan	\$270,000	<ul style="list-style-type: none"> • Ensure the continued management of the HAVA activities in cooperation with local election officials
14.	On-going Election Expenses	Remainder + Interest	<ul style="list-style-type: none"> • To assist counties with programming expenses, maintenance, equipment replacement and/or other election related projects or technology upgrades.

**Activity Funding Estimates are 'best estimates,' and are likely to increase and/or decrease in the process of actual implementation. All funding estimates are based on the calculated amount of federal election reform funding being allocated to North Dakota.*

9. Section 254(a)(9): A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402.

A complaint filed under Title III of the Help America Vote Act must be in writing, notarized, and be signed and sworn by the person filing the complaint and state the alleged violation of federal or state law. A standard form is available from the Secretary of State. At the request of a complainant, the Secretary of State shall establish a procedure for providing a review on the record. If the Secretary of State determines there is a violation of a provision of Title III of HAVA [*Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 15481-15502*], the Secretary of State shall determine and provide an appropriate remedy. If the Secretary of State determines that a violation of Title III of HAVA has not occurred, the Secretary of State shall dismiss the complaint and publish the results of the review. The Secretary of State shall make a final determination with respect to a complaint within ninety days of the date the complaint is filed with the Secretary of State, unless the complainant consents to a longer period of time for the Secretary of State to make a determination. If the Secretary of State fails to meet the ninety-day deadline for determining a complaint, the complaint must be resolved within sixty days under an alternative dispute resolution procedure, which may include mediation, binding arbitration or a court order, depending on the complaint filed. The Secretary of State is authorized to consolidate complaints. [*NDCC § 16.1-01-16*]

10. Section 254(a)(10): If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities.

Through the course of implementing HAVA in North Dakota, it is the goal of the Secretary of State and county election officials to bring uniformity to the voting process in the state and to ensure all individuals have access to the election process. To ensure uniformity, each polling location in North Dakota will be equipped with an accessible voting system capable of notifying the voter if corrections are necessary to his or her ballot (known as second-chance voting) and allowing persons with disabilities, and others, to vote unassisted. All counties will be required to be in full compliance by January 1, 2006. These requirements are subject to voting system availability.

North Dakota is exempt from the National Voter Registration Act of 1993, along with the voter registration and certain provisional voting requirements contained in the Help America Vote Act of 2002.

Revised state law authorizes the creation of a centralized electronic voter database that will link the Secretary of State's office with county election officials' offices. The centralized database will provide a post Election Day tool for preventing and detecting voter fraud and generating accurate, up-to-date Election Day poll books.

12. Section 254(a)(13): A description of the committee which participated in the development of the State plan in accordance with section 255 and the procedures followed by the committee under such section and section 256.

Two separate committees were organized to complete drafting, advocate voter interest, and review the State Plan. Both committees were staffed and facilitated by the Secretary of State and the North Dakota Association of Counties.

◆ STEERING COMMITTEE

The Steering Committee researched and drafted the State Plan. Membership includes county election official representation from two large, two medium and two small population counties, with a cross-section of punch-card, paper ballot and optical scan voting equipment representation. Future membership of the Steering Committee shall consist of representation from the North Dakota Association of Counties, to include the HAVA Coordinator, the Secretary of State's office, and county election officials, representing large, medium, and small population counties, who are appointed by the North Dakota Association of County Auditors.

Jim Silrum	Deputy Secretary of State
Danette Odenbach	HAVA Coordinator, North Dakota Association of Counties
Beth Innis	Williams County Auditor
Roy Steiner	Hettinger County Auditor
Valerie McCloud	Rolette County Auditor
Mike Montplaisir	Cass County Auditor
Sherry Hosford	Sargent County Auditor
Debbie Nelson	Grand Forks County Auditor
Terry Traynor	Assistant Executive Director, North Dakota Association of Counties
Bonnie Amble	Executive Assistant, North Dakota Association of Counties

◆ STATE HAVA PLANNING COMMITTEE

The State HAVA Planning Committee represents a broad cross-section of interests and consists of eighteen members, including county and local officials, representation from the disabilities community, the technology sector, voter interest groups, along with everyday citizens. Future membership of the State HAVA Planning Committee shall consist of representation from local government, voter interest groups, and general citizens.

Mike Montplaisir	Chairman, Cass County Auditor (most populous jurisdiction)
Kevin Glatt	Burleigh County Auditor (second most populous jurisdiction)
Ruth Graf	Kidder County Auditor
Edward McGough	Barnes County Auditor
Dennis Schlenker	League of Cities
David Blackstead	North Dakota School Board Association
Patty Carlblom	North Dakota County Commissioners
Corinne Hofmann	Protection and Advocacy
Jason Stverak	North Dakota Republican Party
Renee Pfenning	North Dakota Democratic NPL Party
Sue Tohm	League of Women Voters
Janelle Olson	People First of North Dakota
Phil Baird	North Dakota Indian Affairs Commission
Bruce Hagen	American Association of Retired People (AARP)
Steve Kelsch	North Dakota Association of Counties Information Technology
Dave Senger	Private Citizen
Betty Svihovec	Private Citizen
Roger Bailey	Private Citizen
FACILITATORS:	
Jim Silrum	Deputy Secretary of State
Danette Odenbach	HAVA Coordinator, North Dakota Association of Counties
Terry Traynor	Assistant Executive Director, North Dakota Association of Counties
Bonnie Amble	Executive Assistant, North Dakota Association of Counties

FOR MORE INFORMATION, CONTACT

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